

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

ANDREW L. COLBORN,

Plaintiff,

vs.

**NETFLIX, INC.; CHROME MEDIA LLC,
F/K/A SYNTHESIS FILMS, LLC;
LAURA RICCIARDI; AND MOIRA
DEMOS,**

Defendants.

Civil No.: 19-CV-484

**CIVIL L.R. 7(h) EXPEDITED AND UNOPPOSED NON-DISPOSITIVE MOTION
FOR LEAVE TO EXCEED PAGE LIMIT FOR BRIEF**

Defendant Netflix, Inc., by its attorneys, Ballard Spahr LLP and Godfrey & Kahn, S.C., hereby moves the Court for an order permitting Netflix to exceed the page limit in its brief in support of its motion to dismiss Plaintiff Andrew Colborn's Second Amended Complaint. In support of this Motion, Netflix states as follows:

1. Civil Local Rule 7(f) states, "the principal memorandum in support of, or in opposition to, any motion must not exceed 30 pages."
2. Plaintiffs' Second Amended Complaint is 28 pages long, with 82 numbered paragraphs, and an additional 28 pages of exhibits. It complains about numerous statements throughout a 10-part documentary series, which tells how Steven Avery was wrongfully convicted for sexual assault in 1985; how DNA evidence secured his exoneration in 2003, prompting him to bring a multi-million dollar wrongful conviction lawsuit against Manitowoc

County and certain government officials; and how that civil suit was abruptly settled when Avery was charged with—and later convicted for—the heinous murder of Teresa Halbach.

3. The documentary tells the story of Steven Avery’s experience in the criminal justice system through the words and actions of its participants, as reflected in footage of actual events including his criminal trial, interviews with key participants, documents and photos, other judicial proceedings, news conferences and local news coverage. Thus, a voluminous amount of information embraced by the pleadings and/or subject to judicial notice is properly before the court despite the preliminary nature of Netflix’s coming motion. The murder trial alone (to say nothing of the rape trial or discovery in the civil case) lasted five weeks and its transcript fills 27 volumes.

4. Because Netflix intends to rely on several different defenses in its motion to dismiss, because those defenses require review of the documentary’s source material, and because Netflix believes it can lessen the Court’s burden through detailed exposition of the facts and the law, it seeks 20 additional pages, for a total of 50.

5. Netflix submits that the complexity of this lawsuit justifies its request and that Plaintiff Colborn will not be prejudiced by the excess pages in the Netflix brief. In fact, counsel for Netflix has conferred with counsel for Colborn and although he expressly reserves his right to object to the procedural propriety of Netflix’s motion, he does not oppose its request for extra pages.

6. Netflix does not intend to object to any corresponding requests by Colborn to file an oversized brief in opposition to Netflix’s motion to dismiss.

WHEREFORE Netflix respectfully requests that the Court grant this Civil Local Rule 7(h) Expedited Non-Dispositive Motion for Leave to Exceed Page Limit for Brief.

Dated: February 25, 2020

Respectfully submitted,

s/James A. Friedman

James A. Friedman
Godfrey & Kahn, S.C.
One East Main Street
Suite 500
Madison, WI 53703-3300
T: (608) 284-2617
F: (608) 257-0609
jfriedman@gklaw.com

Lee Levine
Matthew E. Kelley
Ballard Spahr LLP
1909 K Street, NW, Suite 1200
Washington, D.C. 20006-1157
T: (202) 508-1110
F: (202) 661-2299
levinel@ballardspahr.com
kelley@ballardspahr.com

Leita Walker
Ballard Spahr LLP
2000 IDS Center, 80 South 8th Street
Minneapolis, MN 55402-2119
T: (612) 371-6222
F: (612) 371-3207
walkerl@ballardspahr.com

*Counsel for Netflix, Inc.; Chrome Media LLC;
Laura Ricciardi; and Moira Demos*

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